

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TYSON YELLOWBEAR,
Petitioner,

v.

WARDEN CHESTNUT/USMS,
Respondents.

Case No. 2:24-cv-02301-RFB-DJA

ORDER

Before the Court is Petitioner Tyson Yellowbear's Petition for Writ of Habeas Corpus. (ECF No. 1-1 ("Petition").) Yellowbear has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed in forma pauperis ("IFP"). Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. This Court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner's financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner's account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Yellowbear has 45 days from the date of this Order to either pay the \$5 filing fee or submit a complete IFP application with all required documentation.

Further, Yellowbear did not file his Petition on the appropriate form. Yellowbear has 45 days from the date of this Order to file an amended petition on the appropriate form. In doing so, Yellowbear is advised to follow the instructions on the form, to clearly title the Amended Petition as such, and to place the case number, 2:24-cv-02301-RFB-DJA, in the designated space.

1 **IT IS THEREFORE ORDERED** that within 45 days of the date of this Order, Petitioner
2 Tyson Yellowbear file an IFP application that includes: (a) a financial certificate signed by
3 Yellowbear and an authorized prison official, (b) a financial declaration and acknowledgement
4 signed by Yellowbear, and (c) a copy of Yellowbear's inmate account statement for the six-month
5 period prior to filing. Alternatively, Yellowbear must pay the \$5 filing fee within 45 days of the
6 date of this Order.

7 **IT IS FURTHER ORDERED** that Yellowbear file an Amended Petition on this Court's
8 § 2241 form within 45 days of the date of this order. Yellowbear must label it "Amended Petition"
9 and place the case number in the designated space.

10 **IT IS FURTHER ORDERED** that the Clerk of Court send Yellowbear (1) a blank copy
11 of the form petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 along with
12 instructions, and (2) a copy of the Petition [ECF No. 1-1].

13 **IT IS FURTHER ORDERED** that Yellowbear's failure to timely comply with this Order
14 will result in the dismissal of this action without prejudice and without further advance notice.

15 **DATED:** January 3, 2025

A handwritten signature in black ink, appearing to be 'RFB', is written above a horizontal line.

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18 **RICHARD F. BOULWARE, II**
19 **UNITED STATES DISTRICT JUDGE**
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